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PUBLIC MEETING

before

SENATE JUDICIARY COMMITTEE

Nomination Interview of Saul Cooperman to be the  
Commissioner of Education for the term prescribed by law

June 15, 1987  
Room 424  
State House Annex  
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Edward T. O'Connor, Chairman  
Senator Raymond J. Zane, Vice Chairman  
Senator Gabriel M. Ambrosio  
Senator John A. Lynch  
Senator Carmen A. Orechio  
Senator John F. Russo  
Senator Richard Van Wagner  
Senator Donald T. DiFrancesco  
Senator John H. Dorsey  
Senator William L. Gormley  
Senator Lee B. Laskin

ALSO PRESENT:

John J. Tumulty  
Office of Legislative Services  
Aide, Senate Judiciary Committee

\* \* \* \* \*

Hearing Recorded and Transcribed by  
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JOHN H. DORSEY  
WILLIAM L. GORMLEY  
LEE B. LASKIN



## New Jersey State Legislature

### SENATE JUDICIARY COMMITTEE

STATE HOUSE ANNEX, CN-068  
TRENTON, NEW JERSEY 08625  
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### MEMORANDUM

TO: Senate Judiciary Committee

FROM: Senator Edward T. O'Connor

DATE: June 1, 1987

RE: Committee Meeting June 15, 1987

The Senate Judiciary Committee will meet on Monday, June 15, 1987 at 10:00 AM in Room 424, State House Annex, Trenton. The following nominations will be interviewed.

#### TO BE THE COMMISSIONER OF EDUCATION:

Saul Cooperman of Rocky Hill, to succeed himself, for the term prescribed by law.

#### TO BE A JUDGE OF THE SUPERIOR COURT:

Harold C. Hollenbeck of East Rutherford, for the term prescribed by law.

The following nominations will be considered.

Thomas Penn of East Orange, to succeed himself, for the term prescribed by law.

#### TO BE A MEMBER OF THE OCEAN COUNTY BOARD OF TAXATION:

James J. Debow of Jackson, to succeed himself, for the term prescribed by law.

#### TO BE A MEMBER OF THE SALEM COUNTY BOARD OF TAXATION:

Robert J. Buechler, III, of Salem, to succeed himself, for the term prescribed by law.

#### TO BE A MEMBER OF THE CRIME PREVENTION ADVISORY COMMITTEE:

Edgar Ferdon of Glen Ridge, to succeed John Kelly, for the term prescribed by law.

TO BE A MEMBER OF THE HAZARDOUS WASTE FACILITIES SITING COMMISSION:

Dr. Roy T. Gottesman of Glen Rock, to succeed himself, for the term prescribed by law.

TO BE A MEMBER OF THE CEMETERY BOARD:

Alexander J. Willman of Newark, to succeed himself, for the term prescribed by law.

TO BE A MEMBER OF THE BOARD OF ELECTRICAL CONTRACTORS:

Morton J. Blum of Maplewood, to succeed himself, for the term prescribed by law.

TO BE A MEMBER OF THE PUBLIC EMPLOYMENT RELATIONS COMMISSION APPEALS BOARD:

William L. Noto of Maplewood, to succeed Robert Pacca, resigned, for the term prescribed by law.

TO BE A MEMBER OF THE MONMOUTH COUNTY BOARD OF TAXATION:

John C. Conover of West Long Branch, to succeed himself, for the term prescribed by law.

TO BE A MEMBER OF THE COMMODITIES AND SERVICES COUNCIL:

Edward Lawson of Montclair City, to succeed John F. McGough, resigned, for the term prescribed by law.

TO BE A MEMBER OF THE NEW JERSEY VETERANS SERVICES COUNCIL:

Frank D. Ruggiero of Lyndhurst, to succeed himself, for the term prescribed by law.

TO BE A MEMBER OF THE PALISADES INTERSTATE PARK COMMISSION:

George E. Imperatore of Franklin Lakes, to succeed himself, for the term prescribed by law.

TO BE A MEMBER OF THE EMPLOYMENT SECURITY COUNCIL:

Naomi C. Mirlocca of Union, to replace Joseph F. Buckley, for the term prescribed by law.

TO BE A MEMBER OF THE STATE COUNCIL ON THE ARTS:

Dr. Carlos Hernandez of Jersey City, for the term prescribed by law.

In addition to the nominations listed above, the following bills will be considered.

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|--------------------|---|
| SCR-47<br>Graves   | Proposes an amendment to the Constitution denying release or bail to persons who pose a danger to the safety of others. |
| S-1263<br>Graves   | Establishes the standards and conditions for bail.  |
| ACR-72<br>Kern     | Proposes an amendment to the Constitution to provide that release on bail may be denied under certain circumstances.    |
| A-2113<br>Hardwick | Designated the "Bail Act of 1986", establishes standards for fixing bail.   |



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Janice Harris Jackson President New Jersey Association of Black Educators	14

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SENATOR EDWARD T. O'CONNOR (Chairman): Commissioner, would you have a seat please. I apologize for the late start and for the lack of attendance by the Committee, but they will be coming in as we continue. We'd like to resume the questioning. Senator Ambrosio will take it up. Senator?

SENATOR AMBROSIO: Commissioner, good morning.

COMMISSIONER SAUL COOPERMAN: Good morning.

SENATOR AMBROSIO: I have one particular area that I'd like to just cover, and it deals with bilingual education. And maybe I'll just throw all my questions out, and you can field them in whatever way you see fit.

I'd like to know your personal philosophy about bilingual education, the Department's policy with regard to it, how well you assess the implementation of that policy, and where you see the future of bilingual education?

COMMISSIONER COOPERMAN: Okay. Basically, I think that all children should speak English. That's the language of our nation. I've said to some people that strongly represent the bilingual community that I hope some time that someone whose native language is not English would have the opportunity to have my position and every other high position in the State. They're only going to be able to compete if they're fluent in English. So that's the start.

The second thing is, how do I act out that philosophy or that concept? Five years ago there was no Division of Bilingual Education. There wasn't any, although we had 34,000 children that spoke English as a second language. We now have a Division of Comp-Ed and Bilingual -- it was raised to divisional status. So we thought it was important and we said so.

The next thing we did was with the HSPT, the benchmark for basic skills. We said that all children had to take that test. I would be -- I've said this before, but, I had to admit

that the Department of Education, from 1977 to 1982 was not following the law which you had set down. The law was all children had to take the MBS exam. They did not take it. They just allowed bilingual kids not to take the exam. It was an unbelievable breach of law.

SENATOR AMBROSIO: When was this?

COMMISSIONER COOPERMAN: 1977 to 1982, bilingual children did not have to take the Minimum Basic Skills test. In short, they could not take the test and still graduate, and still not speak English. We said that wasn't fair. We took a year to study it. The results were that from ninth grade to twelfth grade, if you came in after ninth grade you had to either pass the Basic Skills test, or you had to demonstrate those skills in your native language and be fluent in English. That took an enormous amount of work. We had to say, "What is the definition of fluency?" Once we had defined what fluency was, we had to pick out a test. Once we picked out a test, we had to make the cut score. We had committees; bilingual people on the committees, administrators, parents, to first of all say what fluency was, to pick out the test, and say what the cut score was.

Now, we did this for one singular reason: we want the children to be able to speak English. We found that in some schools, for six and seven years kids were not transitioning out of bilingual classes. Once in, they stayed in. They didn't get out. And so they were not speaking English. Bilingual transitional is not only great in theory, it's great in practice when it's done the right way. Get children out as quickly as possible. Some school districts, the kids were coming out in two years, three years, four years. Others, five, six, and seven years. What we've done is we said all children must pass the basic skills. We backed that up with a number of programs and institutes.

I won't go on, except to say that we never had any institutes before, we now have institutes all over this State to help teachers teach the kids. We put in standards for certification for teachers who teach bilingual. We've raised the amount of money for bilingual, I think from about \$11 million to about \$30 million -- I might be off by a little bit. But it's over double.

So, my position is that I want children to speak English. I don't think there's any particular way, and that's why we were one of four States that joined with the Department of Education in Washington for what they called a structured immersion program. It's a program that teaches fundamentally in English, but the teacher is a bilingual teacher and speaks the language of the children's birth.

So, my philosophy is all children should speak English, that we should have a variety of approaches, that we should fund the program to whatever is necessary -- and that's always arguable as to what necessary is. I think we're definitely on the right track. We're keeping accurate records for the first time. We couldn't tell you five years ago how long a child was in bilingual education. We absolutely could not. We can do it now. I've sent out a number of letters to some school districts praising them for their programs and recognizing them. I've also sent out letters to school districts telling them that I can't understand why a majority of their kids are not in regular English speaking classes after three years.

So, we hope to be sensitive, we're going to be thorough, and we're going to be, you know, very dedicated to seeing that where there's a reason a child can't come out in three or four years, we'll be sensitive to it. But otherwise, we want the children to be speaking English as quickly as possible.

SENATOR AMBROSIO: Where do you see the role of the Legislature in this whole bilingual process, if any?

COMMISSIONER COOPERMAN: I think it's very important there's a bilingual law on the books, so that is the law. I think another thing is to watch people like myself and others to make sure the law is carried out. I said in one major area the law just wasn't carried out. And, I think that's important. And again, if there are changes recommended in the bilingual law -- and we're looking at that now -- to look at these changes and to keep an open mind and to be fair about it.

SENATOR AMBROSIO: Some of the criticism that I receive -- because part of my district has some bilingual education programs, and we have a fairly large Hispanic population in Passaic -- and some of the criticism that we've heard is that there's a push to get people out of the bilingual program as quickly as possible, and many times that push pushes the student into an area that he's not able to deal with, because he's not ready to deal with the program.

COMMISSIONER COOPERMAN: That's a fair criticism. I don't say not. And, I hope we don't shove too hard so that that happens. There are some standards. We're talking now about -- and there's a lot of argumentation on it -- what's called a single test for exit. Right now, to exit from a program you have to not only speak English to a degree of competence, or fluency, but you also have to be competent at a district norm in basic skills. We see this as not being the way to go.

SENATOR AMBROSIO: You don't see the single test as the right way to go?

COMMISSIONER COOPERMAN: No, I do see the single test.

SENATOR AMBROSIO: You do?

COMMISSIONER COOPERMAN: Because I think fluency is the most important thing. If you set a test in fluency, a child can read, a child can write, a child can do all of the

basic functions, then that child ought to be speaking English. Now, I know there's argumentation that, well, the child may be speaking English, but not in sophisticated a manner enough to do the mathematics. Well, I think what we've got to do is say, "What is sophisticated enough?" Let's define fluency. Let's set that level of fluency at the appropriate level. But once a child is speaking English at a fluent state, that child ought to be in the mainstream. If the child is having trouble in mathematics, or having trouble in reading, we have compensatory-education programs for that child.

So, our whole push is not to get the child out too fast. But, I think even the worst critic would say that our direction and intentions are correct. And what we've done in the last four years, is from benign neglect, or simply neglect, that we're now focusing in a very careful and thorough manner on bilingual education.

We also have some critics on the other side, who say we're going too slowly. Many of the Oriental Americans want their children out very very quickly, and objected in Bergen County because we had a resource room. They wanted their children in something we don't approve of, which is called "sink or swim." You just take the child, put him in a program, and hope that they pick up the English.

So, we do have the squeeze both ways. Generally, Oriental, get them out quicker, Hispanic, more often than not, that the children are being pushed out too fast. I don't think we're doing it; I think our record is clear. I think we're taking a sensitive approach. And, our programs -- our grant programs -- all over the State are some things we didn't have four years ago. So, we're trying to get the teachers to help the kids so they can speak English. I don't think that's wrong.

SENATOR AMBROSIO: That's all I have, Mr. Chairman. Thank you, Commissioner.



SENATOR O'CONNOR: Thank you, Senator Ambrosio. Senator Orechio, are you ready to proceed?

SENATOR ORECHIO: Yes, I am. I want to start off by saying that last week I happened to be in Delaware, and I was with the Commissioner of Education of Delaware, and Mr. Cooperman gets high marks. I also want to point out, in December I was at a meeting representing the Council of State Governments, and there were 12 representatives from 12 states, and we talked about what was new in our states. I indicated to them about this bold plan of yours, and they were both disarmed and intrigued by it. But I just have a couple of questions, Commissioner Cooperman.

Commissioner (sic) O'Connor, at the last hearing, alluded to the changes in the superintendents of the schools. I think within four or five years, you have a new one each year. And your response to that was that was probably attributable to the political structure of politics. And, I also recognize, although it's never visited our school system, but I know in many areas teaching jobs are given, and administrative jobs are given, as a source of patronage. And, probably because of the systems in those communities where those administrators are involved in the political structure, and the parties in those communities, and as a result, political payoff results in jobs in the educational system. And I think that's not good for the educational system. But my question to you is, if that is a problem, number one, if we go through the hypothetical situation -- hopefully, which may be a realistic one -- of removing, say, a school board in one fell swoop, and getting rid of the administrators, and then the State takes over, and you're in charge -- your agents are in charge -- and after a five year period you've effected the remedial reform and you've put the school system back on the track, how do you then go about doing the process of ridding politics as the ugly specter that surfaced and maybe helped

in the demise of the system, from reoccurring? And then my second question would be whether or not you have any ideas about how to strengthen, say a superintendent of schools, so that there would be some insulation from meddling and political interference in the system? And I liken it, probably, to what we did several years ago in the law enforcement business when we gave the chiefs of police of this State more authority and more jurisdiction that, in effect, eliminated the meddling of politicians who were involved in trying to run police departments. And as a result, thinking about practices that were not in the best interests of people, or the department, or law enforcement in general. So, I just wondered whether or not we had an analogy here that may compare to the educational business, and whether or not you may have some answers to stop these kinds of problems from developing?

COMMISSIONER COOPERMAN: The one thing, Senator, that we're trying to do is go very very reluctantly. Again, to say that 565 districts out of 597 thoroughly certified; the boards operate either reasonably to very well. The system appears to be working. And, we talk about this intervention of just a very few districts -- a handful of districts -- and even the six that we're talking about that are in serious trouble, only one have we gone into comprehensive compliance. I want to kind of set the table in that context.

But, let's say after five years, we do get it back on track. Let's say we do, for arguments sake. That's the way you put it, and I'd be pleased if that would happen. Then, what is the guarantee it will stay on track? None. The whole idea of local control, that the people of Nutley are responsible for Nutley, the people of West Orange are responsible for West Orange -- that's pretty sacred and not to be intruded on unless there's a major, major problem. We would hope that after five years working with the community -- and that would be our hope; we've worked very very hard -- the new

board of education would be made up of community leaders. People that the community respected. We've worked very hard at that. So, at the end of five years, we would hope that our working with the community that when elections for that board take place, that good people would continue to be elected. We would be working within a system, kind of bending the twig a different way. And, instead of it being bent this way, we'd bend it this way. And the way we'd bend it would be community participation in every school, community interested in their schools, community interested in who represents them. We'd work very hard at that.

Guarantees? I don't think there are any guarantees. Could we be back in this hoop again in 10 or 11 years? Possibly. We'll work very hard to see that that doesn't happen.

You asked what could be done in an area with a board/superintendent relationship? I don't mean to be at all flippant, but I would hope that if a board would ever meet once a month, instead of meeting twice a week-- When you meet more, you start to talk about detailed issues. You start to get into running the school, rather than seeing it's being run well. A manager tries to see that there are results, but he doesn't sit on everyone's head, every day of why did you do this, why did you do that? So, if a board of education would at times meet less frequently, be focused on student outcomes as their number one thing, give the superintendent, initially, a two or three year contract, so he or she has a period of time-- And, in real estate, I guess they're fond of saying that there are three things important in real estate: location, location, and location. And in education, I think that if a board of education focused on three things, they'd be on the right track: students' instruction, students' instruction, and students' instruction.

So, focus on instruction, don't meet so frequently to come into detail, stay at ends and not means, meet once a

month, and give the person a two or three year contract. I think that would help in the board/superintendent relationship.

SENATOR ORECHIO: Over the weekend, I had quite an animated discussion with a gentleman who I respect very much and who takes a very very different view of this approach -- your approach of intervention. And his attitude was that there's a tendency to get government involved to be somewhat on the socialistic track. And, his attitude was that when these problems develop, maybe the Department of Education should apprise the people of the community bear what's going on, and as a result maybe the problem can work out itself. And I said, "Well, that would be interminable." I mean, it's just like in law enforcement. You go to the press, and you illustrate what's wrong with the community, and, of course, that's supposed to react by replacing those officials who are involved, and I imagine the same objective would have been sought here.

So, basically, the concern as I see it, of course, is to insulate those involved in making these major decisions from the political interference and the meddling that goes on. So, again, just to get back to my other question that I raised, is there any way that we can reinforce or strengthen a superintendent? You mentioned a longer term contract. But, you know, I personally think that what we have now -- and I see it evident in many communities where you have members of boards of education involved in a political process with a local government, and there appears to be a partnership in political campaigns, and as a result, what's residual from that kind of relationship is a stake in the jobs and so forth. And that's no doubt at the route of some of the problems that we have.

So, I just wondered, is there something more we can do with superintendents in terms of making them more independent and give them some insulation from the political process that from time to time has such a damaging effect on the quality of education in a district?

COMMISSIONER COOPERMAN: I don't know that we really can. And this might seem slightly naive, but I think we can work on it, as we worked very-very hard, and I think extremely successfully, on raising the level of people that we're bringing in for teaching. From a State that was constantly giving emergency certificates to a State that gives none -- the only one in the country. Maybe we can do that with superintendents. Maybe we can look at how we choose superintendents. Maybe we can choose superintendents in the way that we can increase the competence of superintendents.

And then again, it's difficult. I know the School Boards Association worked very very hard at -- and I know Governor Kean made statements in this regard -- of getting people to serve on school boards who are not interested on just coming on to get someone, or to get someone a position, but are interested in one thing, just the children.

But I don't think we can really insulate if parties are going to run candidates. If a person is going to get on with a bullet issue; they have got one thing in mind. Then that's what they're going to do. They're going to be oblivious to every other issue because they're only interested in the sports program, or the gifted and talented, or the special ed. They're interested in a singular thing. I don't think we can control that because that's at the heart of our country. You elect a school board; they represent the people. If the people don't like them, they don't vote for them again.

So, I think the system's a pretty good darn system. I think in a few districts, it doesn't work too well. But, that's why we come out with where you started your question on the intervention. Not because we want to, but because we have to. Education is a State responsibility. How do we pour in hundreds of millions of dollars, perhaps, to a city, make up 80 - 85% of its budget, see some things that are going on that are not right, and say, oh that's okay, you should help them more; you should give them more assistance?



So, I think there is a time for assistance, and that has to come first. But, it is a State responsibility. I think if some of the things that I said would be considered by some districts, they wouldn't have the merry-go-round of superintendents. And then any superintendent worth his salt may not want to come to that district. They say, "Oh, I'm going to be the ninth head on the pike." So, sometimes good people don't want to go.

SENATOR ORECHIO: One final question on superintendents. Why don't we have a minimum standard in terms of academic training background? For example, of course in most systems, the superintendent does have a doctorate, but in many systems they don't. Do you think there's some merit to raising those standards?

COMMISSIONER COOPERMAN: I don't, beyond a master's degree. We have a proposal right now for principalship. I don't think there's a necessity to just pick up extra degrees as tangible evidence of competence. I think there's some other things. Like, a person must be well-educated. A bachelor's degree, if it's from a qualified college, would give some indication a person is well-educated. Although I've met a lot of people that have degrees and are not well-educated; conversely, I've met some people who've never had a degree, and -- salt of the earth -- well-educated people.

So, I think a master's degree is enough, but I would want -- and I've recommended -- that the master's degree be in management science. That that master's degree be in things that administrators actually do. So, to get a master's degree in oceanography might be tremendous, or in botany might be great, but what administrators do is set goals, resources, budgets, results, they resolve conflict. So, I think the training of administrators ought to be in management science. Whether it's a master's, an MBA, or whether it's a master's in educational administration. But, I think that master's degree ought to be in the area that they actually work in: management science.

SENATOR ORECHIO: One final question. With a takeover plan, in one fell swoop, you eliminate or you fire the school board. Those members are elected by the people, and now we are unilaterally, by a proposed statute, saying that we have made the determination that they no longer -- that they've outlived their usefulness to serve, and will not serve. Is that kind of fair to the people in that community? And don't forget, what you're doing, you have, say on a nine-member board or seven-member board, and you may have a minority of the board are outstanding individuals. And, without any judgment of those who certainly served meritoriously, they have all become stigmatized because the system has fallen below standards. And now you're saying, "Okay, you're out." That's the only reservation I have about this whole program, and your plan.

COMMISSIONER COOPERMAN: I guess it comes down to the greater good, as I see it. Sure there can be that there is someone -- and the way it was proposed to me was, "Saul, someone just got elected. They haven't had a chance. You would come in in a district, and that board would be out. Another board would come in, but that board would be out, and a person hasn't had a chance. Or, a person has only had two years or three years." Well, that logic could be used ad nauseam, because people get elected -- three people get elected each year. But if it's been 10, 15, 30 years, somewhere that logic must be broken and say, let's look at the results. The results are not there, if this is the way it does come down. That things are in deplorable shape. Doesn't one hold the top management. If we're looking at a parallel in business, don't we look when we declare educational bankruptcy, throw it into a receivership, and that organization that was running things cannot run things any more? And we can say, and have said, this is no reflection on each individual person. It means that the board as an entity cannot function as it has, because this is extraordinary.

One thing, Senator, I just remembered this. It was 22 months before our administration, so to speak, issued their first mandate. It was the longest time in a period of 10 years, because I checked it, that the State Department issued a mandate. Our whole approach for almost the first two years was local control help incentive programs. And all of our records -- it's somewhere in here; I've got it. Well, I've got a booklet in here of a design for excellence into results. We passed one out a couple of weeks ago. -- indicate that our whole approach was incentive based. This was a very reluctant thing to come into, which is intervention. It just raises the question that after a number of years, if the governance, if the personnel, if the finances, and the curriculum are in deplorable shape, and education is a State responsibility, then shouldn't the State, if they're going to be responsible and accountable, shouldn't they have authority? And that's where we said, the existing board with its powers, must be replaced. And the way the compromise has been worked out is, there would be a new board. We would select the new board of 15. They would be representative of the community, and after four years -- at the end of the fourth year -- we would then start to vote for a new board. They would have to stand for election.

So, I think it's as fair as we can possibly make it. And I think that the people who have been in charge as an entity must be responsible.

SENATOR ORECHIO: What's the criteria that will be used in the selection of those that serve that board?

COMMISSIONER COOPERMAN: We would go out to that community. We would ask municipal leaders, we would ask PTA, we would ask church people, we would get into the League of Women Voters, we would take every organization in that particular town and say, "submit names." We would meet with people. We would interview people. We would want only one thing: do they care, do they have no hidden agenda, and will

they spend time? And we would pick 15 people that were representative of that community. Neighborhood ethnicity-- We would just want good people. And we'll get them.

SENATOR ORECHIO: -One final question, Mr. Chairman. You indicated the other day that in many cases some of these districts receiving 70, 80, or 90% of State and of Federal funds operate those districts. And I was wondering which district were you alluding to that receives 90%?

COMMISSIONER COOPERMAN: I don't think any. I said, probably, 70, 80, or 90% of State and Federal funds.

SENATOR ORECHIO: Yes, that's right.

COMMISSIONER COOPERMAN: And I think there are probably a couple of districts that come very close to that. You know when they take in anything other than local taxation, that the local taxation doesn't make up more than 10 - 15% of what they spend.

SENATOR ORECHIO: Mr. Chairman, Commissioner Cooperman most definitely qualifies to succeed himself, and at the time I would certainly be happy to move his nomination.

SENATOR O'CONNOR: Thank you, Senator Orechio. Commissioner, I believe that's all the questions that we have from the Committee. May I ask, is there anyone here that wants to address the nomination? (woman rises in audience) And your name is?

J A N I C E H A R R I S J A C K S O N: Janice Harris Jackson.

SENATOR O'CONNOR: Okay. All right. Do you know how much time you're going to require to address the Committee?

MS. JACKSON: I think about five minutes.

SENATOR O'CONNOR: Okay. All right. Commissioner, would you have a seat, then?

SENATOR LASKIN: Before you-- Wait a minute. I have a simple question, Mr. Chairman.

SENATOR O'CONNOR: You have questions, too?

SENATOR LASKIN: Yeah, just a simple one question.

SENATOR O'CONNOR: All right, we're going to then take a break. I'm sorry, Senator, we're going to take a break.

SENATOR LASKIN: Mine can be answered with a yes or no.

SENATOR O'CONNOR: All right, go ahead. Senator Laskin.

SENATOR LASKIN: Dr. Cooperman, there's been a lot of interest around the country in enacting legislation which would make sign language an alternative to the foreign language requirement. In other words, there would be an alternative; an additional so-called language for high school students, instead of the additional French, Spanish, and so forth. Do you have any feeling on that? Or would you be against it, or in favor of it?

COMMISSIONER COOPERMAN: I don't know enough about it.

SENATOR LASKIN: Okay. Well, the sign language for deaf.

COMMISSIONER COOPERMAN: Oh, I know that one of my children signs. So, I'm aware of it.

SENATOR LASKIN: Well, I sign also, and there's been sort of a movement, at least in the literature, about making the signing language as an alternative to a foreign language course of study, and I just thought maybe you'd think about that. There had been some bills proposed and passed around the country doing just that.

COMMISSIONER COOPERMAN: I will make a note right now, and ask our people. I've never been aware of that in five years, that anyone has brought up to me. And in reading, I haven't read that. But, both of my kids, in fact, when they went to camp, learned to sign. One rather well. They used to sit at the table at night as sign so I couldn't understand what they were saying.

SENATOR O'CONNOR: All right, we're going to take a five minute break. And when we resume, we will take up



preventive protection. When we complete that, we will hear from the witness who wants to testify, and then we'll take a vote. Thank you.

(RECESS)

(AFTER RECESS)

SENATOR O'CONNOR: Miss, Jackson, would you come up, please? Good afternoon.

MS. JACKSON: Good afternoon. My name is Janice Harris Jackson, and I am about to begin my second term as President of the New Jersey Association of Black Educators, or NJABE. As a resident of the 17th Legislative District, I should extend a special good afternoon to Senator Lynch. My sincerest thanks to Senator O'Connor for allowing me to make a statement that I hope will be incorporated into the mission pursued by Dr. Cooperman during his second term as Commissioner of Education in New Jersey.

Dr. Cooperman comes to this Committee seeking a second term at a time when the professional competence of black educators is tremendously suspect in our State, because many of us are urban educators. I, as President of NJABE can do no less than make the following statement to this Committee indicating a major initiative NJABE would like to see undertaken during Commissioner Cooperman's second term.

The New Jersey Association of Black Educators would like for Commissioner Cooperman to plan and conduct an unprecedented symposium on New Jersey's crisis in urban education. NJABE has gone on record asking the State Board of Education in August of 1986 to evaluate carefully the State Department of Education's expertise in urban education, and its ability to provide adequate guidance to those urban districts in Level III of its monitoring process.

NJABE met with Dr. Cooperman early in 1983, and he was kind enough to address our annual conference in May of 1986 at Princeton University. Our 1983 informal meeting discussed, generally, Dr. Cooperman's personal lack of experience in urban education, vis-a-vis our organization's historical involvement in this area of public education which has absolutely the greatest impact on the careers of black educators and on the lives of black children in our State.

Dr. Cooperman will recall that my organization asked at its 1987 conference to be included in his community forums discussing the school takeover plan which was to be presented to the public subsequently on June 17, 1986. We never had the opportunity to discuss in any community-based forum the takeover of troubled urban school districts. We are, however, on record as opposing, not the concept of intervention that we never had an opportunity to discuss, but the intervention legislation that we found in its original form to be premature, reactionary, and totalitarian in its approach.

I want the Senate Judiciary Committee to recall that my organization has continued to state its concerns regarding Dr. Cooperman's personal lack of expertise and rapport for New Jersey's urban districts in crisis. Also, we have stated our continuing disappointment with Dr. Cooperman's inability to attract black and minority urban educators to his leadership team of assistant commissioners.

The New Jersey Association of Black Educators has been intense in its criticism of Dr. Cooperman's leadership in urban education, but we have been careful to acknowledge his many abilities as an accomplished and productive administrator, providing commendable leadership for New Jersey's suburban and rural districts. As our Senate prepares to confirm Dr. Cooperman to a second term as New Jersey Commissioner of Education, the New Jersey Association of Black Educators must again express concern for what we feel is his lack of regard

and respect for the unique struggles that confront urban education.

I hope that Dr. Cooperman will make a commitment to the Senate to direct his personal talents and energies toward finding prescriptive models for success in our cities. Dr. Cooperman's monitoring procedures have carefully documented failure in our urban districts, and the intervention laws will certainly be punitive. Those black educators who have devoted their careers to the children in our urban districts would like to have leadership, on the State level, which will show them how to better educate children in an increasing difficult urban environment, rather than leadership which ridicules and punishes them for their collective -- our collective -- national, if not global, failure to educate the children living in our cities.

I do not believe that Dr. Cooperman has really invested what many admire as his extraordinary competence in finding and introducing prescriptive models for educating urban children. If Dr. Cooperman's urban initiatives yielded such prescriptive models, I am unaware of these successes. If the Department of Education is developing, for example, an initiative within Governor Kean's Project REACH, which will address the educational needs of urban children in a welfare environment, I am unaware of these plans. The instances of what appear to the black community, particularly the black community of educators, to be Dr. Cooperman's benign neglect in urban education go on and on.

In August of 1986, my organization asked for such a symposium on the crisis in urban education, which would examine national models that have improved the performance of educators and children in our cities throughout America. Again we are asking the Senate to urge and support Dr. Cooperman's pursuit of such a symposium during his second term as Commissioner of Education. I will take similar requests to the Education Committee of the Senate and the Assembly.

We realize that the gathering of expertise which we describe will be expensive -- and we certainly want the Senate's support -- and time consuming. But, we feel that it can produce effective strategies and solutions for our urban districts in crisis. This New Jersey symposium on the crisis in urban education must do much more than assemble the usual chain of command, such a department staff, county superintendents, urban superintendents, and other boards of education staff. This vital symposium must be planned by and utilized by all of the children's advocates. The traditional rank and file, the traditional leadership must be joined by parent activists, community activist groups, such as NJABE, ASPIRA, the Public Education Institute, the National Alliance of Black School Educators, the New Jersey Black Issues Convention, the Urban League, NJEA, as well as members of the Legislature. Perhaps Dr. Cooperman would also include the instructional practitioners and fine staff members at his academy for the advancement of teaching and management.

Dr. Cooperman must bring together all of the resources that New Jersey needs to rehabilitate our urban school districts. In 1985, when New Jersey's community of higher education became alarmed about declining minority student enrollment, college presidents, scholar activist groups, faculty and administrators joined the Chancellor in planning a symposium which seems to have helped to address this educational issue. We have at least stopped the decline on many campuses in minority student enrollment.

In short, parents must be prepared to embrace an entire educational model, understanding within that model how attendance, facilities, the tenure of superintendents, contribute to such a plan. Parents have been asked to react piecemeal to educational changes. I was at a recent Newark Board of Education public hearing to evaluate a very abrupt promotional policy that threatens to retain 760 eighth graders

in about two weeks. Parents cannot react in a piecemeal fashion to such abrupt changes. And we have to make these models that we identify.

Perhaps Dr. Cooperman feels that black educators have been harsh in their criticism of his urban education resources. But the discussion surrounding the intervention legislation have also damaged the esteem of urban educators, many of whom are black. A symposium on the crisis in urban education will allow us to work together in an environment of mutual respect.

In closing, let me share this with the Judiciary and with Dr. Cooperman. Those of us who grew up in the civil rights movement have come to realize that leadership really does not create great social reform. Rather, the pursuit of great social reform creates leadership. Indeed, the American hero Dr. Martin Luther King, Jr. did not create a civil rights movement in America. The civil rights movement created Dr. King. Similarly, earnest participation in this struggle for productive urban education will also create and refine and perfect leadership.

I sincerely hope that Dr. Cooperman will enter his second term wanting to become a part of the leadership for urban education in New Jersey, and he will be joined by you gentlemen and the rest of the Legislature. Thank you.

SENATOR O'CONNOR: Thank you, Ms. Jackson.

SENATOR VAN WAGNER: Are you in favor of his renomination?

MS. JACKSON: If Dr. Cooperman will embrace some of our plans, we are in favor.

SENATOR VAN WAGNER: So, it's a conditional--

MS. JACKSON: Right.

SENATOR O'CONNOR: Thank you very much. At this time, we'll entertain a motion with respect to the nomination. (Senator Laskin indicates he'll move nomination) Moved by Senator Laskin.



SENATOR ZANE: I'll second it.

SENATOR O'CONNOR: Seconded by Senator Zane.

MR. TUMULTY: Senator O'Connor?

SENATOR O'CONNOR: Before I vote, I just want to let the Commissioner know that I did some checking on my own, and I learned of his military career, which included service at the Bayonne Military Ocean Terminal, and I found out that the people in Bayonne rested much more comfortably during that time Commissioner. (laughter) So, on the basis of that and on the basis of your answers to the extensive questioning that we've subjected you to over the last three hearings, I'm voting in the affirmative.

MR. TUMULTY: Senator Zane?

SENATOR ZANE: Yes.

MR. TUMULTY: Senator Ambrosio?

SENATOR AMBROSIO: Yes.

MR. TUMULTY: Senator Lynch?

SENATOR LYNCH: Yes.

MR. TUMULTY: Senator Orechio?

SENATOR ORECHIO: Yes.

MR. TUMULTY: Senator Russo?

SENATOR RUSSO: Yes.

MR. TUMULTY: Senator Van Wagner?

SENATOR VAN WAGNER: Yes. Mr. Chairman, I wonder if I could just make a brief statement?

SENATOR O'CONNOR: Yes.

SENATOR VAN WAGNER: I'd like to direct this to the Commissioner. I've expressed my concern to you very clearly, I think, that as much as I applaud your effort to establish standards and to improve the skill levels of students, that I still have severe concerns about those students who may in fact not either test well, or have difficulties in adjusting to a classical education system. And I just wanted to say to you that, in casting my favorable vote, I will look forward, again,

to your assurance that those students, however few of them as there may be, receive some type of reinforcement and follow-up services, either through high school GED, or adult school courses, so that they can attain what other students are able to attain, in many cases, by being able to pass a test. I vote yes.

MR. TUMULTY: Senator DiFrancesco?

SENATOR DiFRANCESCO: Yes.

MR. TUMULTY: Senator Dorsey?

SENATOR DORSEY: Yes.

MR. TUMULTY: Senator Gormley?

SENATOR GORMLEY: I will vote yes to end the Commissioner's preventative detention. Yes. (laughter)

MR. TUMULTY: Senator Laskin?

SENATOR LASKIN: Yes.

MR. TUMULTY: The nomination is released.

SENATOR O'CONNOR: All right. Congratulations, Commissioner.

COMMISSIONER COOPERMAN: Thank you.

(NOMINATION MEETING CONCLUDED)